

Appl. No. 10/792,301
Examiner: VO, ANH T N, Art Unit 2861
In response to the Office Action dated December 20, 2005

Date: March 20, 2006
Attorney Docket No. 10113851

REMARKS

Responsive to the Office Action mailed on December 20, 2005 in the above-referenced application, Applicant respectfully requests amendment of the above-identified application in the manner identified above and that the patent be granted in view of the arguments presented. No new matter has been added by this amendment.

Present Status of Application

Claims 1-3 and 8-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeFosse et al (US Pat. 5,497,178, hereinafter "DeFosse") in view of Hou et al (US Pat. 6,527,382, hereinafter "Hou") and in further view of Seu et al (US Pat. 6,260,961, hereinafter "Seu"). Claims 4 and 5-7 are objected to but indicated as allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

In this paper, claims 30-33 are added. Support for the new claims can be found at least in original claims 4-7. Thus, on entry of this amendment, claims 1-33 are pending.

Reconsideration of this application is respectfully requested in light of the amendments and the remarks contained below.

Allowable Subject Matter

Applicant thanks the Examiner for his indication that claims 4 and 5-7 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Rejections Under 35 U.S.C. 103(a)

Claims 1-3 and 8-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeFosse in view of Hou and in further view of Seu. Applicant respectfully traverses the rejections for the reasons as follow.

Claims 1 and 21 each recite an inkjet cartridge comprising a body. The body includes a first chamber, a second chamber, a third chamber, a first exit, a second exit, a third exit, and a

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channel. The second chamber communicates with the second exit so that the ink in the second chamber flows directly to the second exit. The third chamber communicates with the third exit so that the ink in the third chamber flows directly to the third exit. The channel communicates the first chamber and the first exit so that the ink in the first chamber flows to the first exit via the channel. Thus, in the claims, ink in the second and third chambers directly flows to the corresponding second and third exits, while ink in the first chamber flows to the first exit via the channel.

DeFosse teaches a liquid ink jet print head with exit ports 36, 37 and 38 communicating respectively with ink chambers 17, 18 and 19. However, as described in column 3, lines 11-23 of the reference, ink from chamber 17 travels through crossflow channel 47 to exit port 36, while ink from chamber 19 travels through crossflow channel 49 to exit port 38. Thus, in the print head disclosed by DeFosse, two crossflow channels are utilized.

Seu teaches a similar structure in which two channels 120, 140 respectively communicate reservoirs 84, 86 to ink slots 112, 116.

Hou, on the other hand, teaches an ink container with three ink wells and three ink pipes connecting the wells to the print head. No crossflow channels are employed in this structure.

MPEP 2142 reads in part:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

The Federal Circuit has held:

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It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior so that the claimed invention is rendered obvious. *In re Gorman*, 933 F.2d 982, 987, 18 USPQ2d 1885, 1888 (Fed. Cir. 1991). This court has previously stated that "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." (*In re Fritch*, 972 F.2d 1260, 1266, 23 USPQ2d 1780 (Fed. Cir. 1992), quoting *In re Fine*, 837 F.2d at 1075, 5 USPQ2d at 1600).

It is Applicant's belief that the present rejection fits the Federal Circuit's description of an impermissible rejection under §103(a). The office action simply states certain elements of the present invention and then locates isolated disclosures of those components. Specifically, the rejections rely on the structural relationship of the ink chamber/exit port for a first two ink chambers in the DeFosse print head and the ink chamber/exit port for a third ink chamber in the Hou print head. However, given that the DeFosse and Hou print heads have distinct if not contrary principals of operation with respect to the structural relationship of the ink chamber/exit port, such a combination would require a substantial reconstruction and redesign of the print head described in DeFosse. Applicant contends that the Examiner's combination is guided entirely by Applicant's own disclosure.

Applicant further notes that the Examiner's motivation for combining the references is "preventing ink from one side channel from mixing with ink from the other side channel." See page 5 of the office action. However, the crossflow channels described by DeFosse are formed separately from each other such that there is complete isolation of the inks flowing there through. See column 1, line 66 to column 2, line 3 of DeFosse. Therefore, there is no risk of ink from one side channel mixing with ink from the other side channel in the DeFosse print head.

The Examiner's other motivation for combining the references, i.e., "shortening the distance that ink must traverse through the channels in order to reach the orifices" is simply descriptive. There is nothing in the teachings of DeFosse or Seu addressing advantages or disadvantages associated with the distance ink travels through channels 47/49 or 120/140 versus the distance ink travels when not traversing said channels, nor does Hou touch upon this subject. Applicant

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respectfully requests that the Examiner point out where in the prior art teachings such motivation is supported.

It is therefore Applicant's belief that a *prima facie* case of obviousness cannot be established in connection with claims 1 and 21. Furthermore, as it is Applicant's belief that a *prima facie* case of obviousness is not established for claims 1 and 21, the Examiner's arguments in regard to the dependent claims are considered moot and are not addressed here. Allowance of claims 1-33 is respectfully requested.

New Claims 30-33

New claims 30-33 recite limitations corresponding in part to limitations in claims 4-7. As noted above, it is Applicant's belief that claims 30-33 are allowable by virtue of their dependency from claim 21. Applicant further submits that claims 30-33 are allowable independent from their dependency from claim 21 for the same reasons set forth by the Examiner in connection with claims 4-7.

Conclusion

The Applicant believes that the application is now in condition for allowance and respectfully requests so.

Respectfully submitted,



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